

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

TINA PIERCE :

:

v. : Civil Action No. DKC 09-1917

:

WASHINGTON METROPOLITAN AREA
TRANSIT AUTHORITY :

MEMORANDUM OPINION

Defendant filed a partial motion to dismiss, contending that the apparent claim for emotional distress damages on behalf of Tina Pierce, individually, should be dismissed because Maryland does not recognize a cause of action for negligent infliction of emotional distress. Plaintiff responds that she did not intend to bring such a claim and the court may grant the motion.

Plaintiff has sued as parent and next friend of T.S.S. and on her own behalf, individually. For T.S.S., the complaint seeks \$714,818.00 in damages, due to the physical injury resulting in medical expenses and pain and suffering. On her own behalf, Plaintiff seeks \$75,000, for time lost from work and mental anguish suffered from having to observe her daughter in

pain. She also states that she has incurred medical expenses on behalf of her child. Plaintiff concedes that she does not assert a claim for negligent infliction of emotional distress. Accordingly, the motion to dismiss will be granted.

/s/
DEBORAH K. CHASANOW
United States District Judge